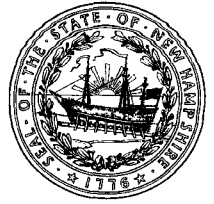




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

LETTER OF DEFICIENCY  
WET 06-027

April 07, 2006

Ronald & Catherine Snow  
9 Woodlawn Dr  
Carver, MA 02330

RE: DES Wetlands File #2003-02311, 13 Tepi Ln, Gilmanton

Dear Mr. and Ms. Snow:

On March 7, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Gilmanton Tax Map 46 as Lot 81 (the "Property"). The purpose of the inspection was to determine compliance with RSA 483-B, the Comprehensive Shoreland Protection Act (CSPA) and NH Code of Admin. Rules Env-Ws 1400-1411 and RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. Approximately 360 square feet of the driveway, parking area and associated retaining wall, which are defined as accessory structures in accordance with RSA 483-B, were located between the primary building line and the reference line (normal high water mark). Accessory structures are not to exceed 150 square feet in the area between the primary building line and 20 feet from the reference line.
2. A section of the shoreline measuring approximately 3 ft x 4 ft was altered with mortar and stones to make a level transition to the seasonal dock. The seasonal dock approved under wetlands permit #2004-1930, was issued with the condition that no alteration of the shoreline would be conducted. The construction of a mortar and stone walkway is not an approvable project.
3. The seasonal dock approved under wetlands permit #2004-1930 was located in the lake during the non boating season. The wetlands approval requires the dock be removed from the lake during the non boating season. In the future the dock needs to be removed from public waters and the lake bed during the non boating season to be in compliance.
4. Approximately 29 linear feet of retaining wall along the shoreline was rebuilt without a wetlands permit.
5. Additional cutting and removal of vegetation has taken place on the northern shoreline along the boulder and ledge outcrop adjacent to the seasonal dock.
6. A new primary residence was constructed between the primary building line setback and the reference line which expanded the square footage and outside dimensions of the previously existing primary residence. A building permit was approved and issued to the previous owner by the Town of Gilmanton on November 10, 2003. Please be advised that any changes in the foot print, square footage or outside dimensions of a structure located between the primary building line setback and the reference line requires a waiver in accordance with RSA 483-B:11.

In response, you are requested to take the following actions:

1. Within 45 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, or environmental consultant and include provisions for removal of approximately 210 square feet of the driveway and associated retaining wall located within 50 feet of the reference line, removal of the mortar and stone pad constructed for access to the seasonal dock, and provide a planting plan as mitigation to establish a native vegetated buffer along the shoreline extending southward from the repaired retaining wall. Provide the name of the contractor who repaired the retaining wall, and the timeframes of when the work was conducted on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
  1. Existing conditions, with all structures on the property, to include the deck, dock, walls, primary residence and any future development; and
  2. Proposed conditions after restoration, planting and future construction on the property;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. The restoration plan shall identify:
  1. The species of plants proposed for replanting;
  2. The number, size and distribution of plants proposed for replanting;
  3. The existing trees remaining within the natural woodland buffer, if any; and
  4. The existing and proposed structures, including but not limited to the primary structure, accessory structures, and water-dependent structures.
- d. Proposed plantings shall be selected from the list of Native Shoreland/Riparian Buffer Plantings for New Hampshire (copy enclosed);
- e. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
- f. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

2. Retain a qualified wetland scientist or environmental consultant to supervise the implementation of the restoration plan and to submit the restoration progress reports.

3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1411 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit,

this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel will conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B and RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876 or by email at [jblecharczyk@des.state.nh.us](mailto:jblecharczyk@des.state.nh.us).

Sincerely,



**COPY**

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7005 0390 0001 8424 3112

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Gilmanton Conservation Commission  
Gilmanton Board of Selectmen  
USACOE